

REMARKS

Favorable reconsideration and allowance of the present are respectfully requested in view of the following remarks. Claims 1-29 remain pending. Claims 1, 2, 3, 12, 14, 16 and 23 are independent.

ALLOWABLE SUBJECT MATTER

Applicants appreciate that claims 1-11 and 16-29 are indicated to be allowable.

§ 112, 1ST PARAGRAPH REJECTION

Claims 12-15 stand rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. The Examiner alleges that the claims contain subject matter which is not described in the specification in such a way as to reasonably convey that the inventors had possession of the claimed invention at the time application was filed. More specifically, the Examiner alleges that there is no support in the specification for the electronic camera to have an audio regeneration device that regenerates non-ambient sound as featured in independent claims 12 and 14. Applicants respectfully disagree.

In the Office Action, the Examiner alleges that only the ambient sound received through microphones 28 is recorded onto the recording medium 42. The Examiner's logic appears to be that since no non-ambient sound is recorded in recording medium 42, the audio regeneration device cannot regenerate non-ambient sound. To allegedly support this position, the Examiner refers to paragraphs 30-31 and 35 as well as elements 42, 44 and 58-68 of Figure 1 of the present disclosure.

However, the Examiner's understanding of the embodiments of the invention appear to be incomplete and also not completely accurate. First, the Examiner alleges that the audio regeneration device of the electronic camera includes the recording-regenerating processing part 44, demultiplexer 58, data to data expansion parts 60, digital to analog converters 62, the sampling rate generator 64, the low-pass filters 66 and the output terminals 68. However, in the specification, it is clearly stated that the

element 70 is the audio regeneration device. *See e.g. paragraphs [0023], [0032], [0033], etc.* Thus, the Examiner's characterization of what constitutes the audio regeneration device is incomplete and inaccurate.

Second, it appears that the Examiner's understanding of the sources of the audio data is also incomplete. The Examiner refers to paragraph [0035] to allege that the audio regeneration device of the electronic camera outputs the audio data that is recorded on the recording medium 42. From this, the Examiner erroneously concludes that only the recording medium 42 includes audio data. Such conclusion is not justified.

Paragraph [0035] does indeed disclose that in order to regenerate the audio data which is recorded in the recording medium 42, the audio regeneration device 70 expands the data which is read out from the recording medium 42. However, this is but one way to regenerate audio data. Other ways to regenerate audio data is disclosed.

For example, it should be noted that the audio regeneration device 70 is also a source for the audio data, and appropriate linking information are recorded in the recording medium 42. As illustrated in Figure 2 of the disclosure, when the audio regeneration is dictated (step S100), the audio management data, track data, and play time data from the audio recording medium (for example, from a musical compact disc) are associated with the captured image and recorded as tags in the recording medium 42. *See paragraphs [0041] - [0050].* Clearly, the audio recording medium accessed by the audio regeneration device 70 can be a source of non-ambient sound. Thus, contrary to the Examiner's allegation, the feature of the audio regeneration device which regenerates non-ambient sound is fully supported by the disclosure.

Claim 14 also recites the feature of an audio regeneration device which regenerates non-ambient sound. It has been clearly demonstrated that this particular feature is fully supported. Therefore, Applicants respectfully request that the rejection of claims 12-15 under 35 U.S.C. 112, first paragraph, be withdrawn.

CONCLUSION


All objections and rejections raised in the Final Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: _____

Respectfully submitted,

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